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PATENT
Attorney Docket No. 08201.0065-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Rajendra Kumar JOSHI et al.) Group Art Unit: 1617
Application No.: 10/571,241) Examiner: Carlic K. HUYNH
Filed: September 3, 2004) Confirmation No.: 9619
§ 371 Date: March 9, 2006)
For: THE USE OF FUMARIC ACID)
DERIVATIVES FOR TREATING CARDIAC)
INSUFFICIENCY, AND ASTHMA)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated October 9, 2007, the Examiner required restriction under 35 U.S.C. §§ 121 and 372 between the following groups of claims:

Group I, Claims 27-58, drawn to a method for the treatment of asthma and chronic obstructive pulmonary diseases comprising administering a fumaric acid derivative; and

Group II, Claims 59-64, drawn to a method of preparing a fumaric acid derivative.

In response, Applicant elects the claims of Group I.

The Examiner also required election of a single species of a fumaric acid derivative of formula I, II, or III. In response, Applicant elects the species dimethyl

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fumarate, which is a species of formula I (fumaric acid dialkyl esters). Elected claims 27-33, 35, 36, 42-52, and 54-58 are readable on the elected species.

Applicant notes that claims 27, 29, 31, 50, 51, 57, and 58 are generic and therefore requests that all of the species encompassed by the generic claims and the claims that depend from them be examined upon a determination that the elected species is patentable.

Applicant respectfully submits that claims 27-58 are in condition for allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 9, 2007

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